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EXAMINER

DEXTER, CLARK F

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY ACTION (paper no. 03)

Response to Arguments

Regarding Item 11:

Applicant's arguments filed November 25, 2008 have been fully considered but they are not persuasive.

On pages 4-6 of the response, applicant argues that the claims, specifically claim 1, are allowable over Story. The Examiner respectfully disagrees as follows.

In the third paragraph on page 5 of the response, and in the paragraph bridging pages 5-6 of the response, applicant argues against the two examples of how the limitation "wherein the pivot axis is positioned parallel to said cutting edge of each blade the pivot axis being adjustable to different locations on the blade assembly."

In the third paragraph on page 5 of the response, applicant argues against the first described example of how the subject limitation is met (see the Office action mailed 9/25/2008, page 3, lines 13-15). Specifically, applicant argues the following:

"When screw-threaded shank 13 is rotated into clamp 20, there is no pivot motion. There is only a rotation about a fixed axis so screw-threaded shank can attach to clamp 20. This bears absolutely no relation to the "pivot axis" recited in claim 1. Claim 1 recites, "and the apparatus has a grip portion being pivotal relative to said blade assembly about a pivot axis wherein the pivot axis is positioned parallel to said cutting edge of each blade the pivot axis being adjustable to different locations on the blade assembly." (emphasis added). The pivot axis is between the "grip portion" and the "blade assembly." In Story, the screw-threaded shank 13 being attached to clamp 20 cannot teach the above limitation of claim 1 as it refers to dissimilar portions of a safety razor."

The Examiner respectfully disagrees with applicant's analysis, and it is respectfully submitted that applicant appears to misunderstand the rejection. First, it is emphasized that the pivot axis extends through the portion of 22 as shown in Figure 3; that is, it extends into and out of the page of Figure 3. Clearly, the handle is pivotable about such a pivot axis as shown in Figure 1. Further, as shown in the figures, such a pivot axis is clearly parallel to the blade edges.

Applicant's argument that

"When screw-threaded shank 13 is rotated into clamp 20, there is no pivot motion. There is only a rotation about a fixed axis so screw-threaded shank can attach to clamp 20. This bears absolutely no relation to the "pivot axis" recited in claim 1."

is not understood. It is respectfully submitted that the rejection never contemplates such a pivot axis location. Rather, as stated in the rejection, the pivot axis extends through the portion of 22 as shown in Figure 3; that is, it extends into and out of the page of Figure 3. The relative rotation of shank 13 and clamp 20 only serves to adjust the location of the pivot axis (e.g., as viewed in Fig. 3, to adjust the pivot axis to the left or right).

In the paragraph bridging pages 5-6 of the response, applicant argues against the second described example of how the subject limitation is met (see the Office action mailed 9/25/2008, page 3, lines 15-16). Specifically, applicant argues the following:

"Claim 1 specifically recites, 'wherein the pivot axis is positioned parallel to said cutting edge of each blade the pivot axis being adjustable to different locations on the blade assembly.' (emphasis added). The handle, from Story, is maintained

at a fixed point on the blade. For example, in figure 2, the grip portion attaches to the blade portion at point 13. Story cannot adjust the point at which the grip portion attaches to the blade portion. Therefore, Story cannot be "adjustable to different locations on the blade assembly," as recited in claim 1."

First, it is emphasized that although the claim requires that the pivot axis must parallel to the cutting edges of each blade, and that the pivot axis must be adjustable to different locations on the blade assembly, there is no requirement that the pivot axis remain parallel in such different locations. As viewed in Figure 2, the pivot axis is clearly parallel to cutting edges in the location shown in solid lines, and the pivot axis is clearly adjustable to different locations as shown in phantom.

Applicant's argument that

"The handle, from Story, is maintained at a fixed point on the blade. For example, in figure 2, the grip portion attaches to the blade portion at point 13. Story cannot adjust the point at which the grip portion attaches to the blade portion. Therefore, Story cannot be "adjustable to different locations on the blade assembly," as recited in claim 1."

is not understood. For example, as viewed in Figure 2, it is respectfully submitted that the grip portion 26 is clearly "adjustable to different locations on the blade assembly" as required in claim 1.

For at least the above reasons, it is respectfully submitted that the prior art rejection must be maintained.